

## REMARKS

Applicants wish to express thanks to the Examiner for taking the time to discuss the issues set forth in the Office Action during the Examiner Interview on February 25, 2003. Applicants have amended the claims according to suggestions made by the Examiner in order to strengthen the patentability of the claims.

Claims 1-38 were pending in the application. No claims have been added or cancelled.

### **I. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

The Office Action rejected claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite with respect to the term "substantially free". As discussed during the Examiner Interview, Applicants were required to remove the term "substantially" from the claim because the Examiner did not understand the metes and bounds of this term. Applicants did not, however, intend to limit claim 14 in such a way as to exclude compositions that may include an insubstantial quantity of a plasticizer, either literally or under the doctrine of equivalents. Applicants believe that amended claim 14 should be understood to permit the inclusion of insubstantial quantities of a plasticizer such as glycerin, sorbitol, propylene glycol or water within the thermoplastic starch. Therefore, Applicants do not intend to surrender any claim scope or range of equivalents that would have otherwise pertained to claim 14.

### **II. CLAIM AMENDMENTS**

Applicants have amended the claims in order to introduce certain terms and concepts that were discussed during the Examiner Interview held February 25, 2003. Independent claim 1 has been amended to claim "an article of manufacture comprising a sheet or film formed by

extruding, blowing or casting". Independent claims 16, 18, 32 and 36 were similarly amended.

Support for this limitation is found in the specification at page 13, *ll.* 15-16 and page 49, *ll.* 24-25. This limitation was added to distinguish over sheet-like or film-like structures that are formed by injection molding or pressed between male and female dies.

Claims 16-23 and 29-31 were amended in order to specifically recite a "sheet or film" in order to emphasize this aspect of the present invention. Support for this amendment is inherent in the claims as initially filed, which described and claimed sheets and films, albeit as articles of manufacture.

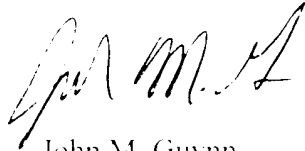
### III. CONCLUSION

Applicants believe the claims as now presented are in allowable form. In the event that the Examiner finds any remaining impediment to the prompt allowance of this application, which could be clarified by a telephonic interview, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

Dated this 27<sup>th</sup> day of February 2003.

Respectfully submitted,



John M. Guynn  
Attorney for Applicants  
Registration No. 36,153

WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

JMG:cm

C:\DOCS\COPIES\11527355\Amendment B.doc

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claims 1, 14, 16-23, 29-32 and 36 have been amended as follows:

1. (Twice Amended) An article of manufacture comprising a sheet or film formed [from] by extruding, blowing or casting a biodegradable thermoplastic composition that includes at least one thermoplastic biodegradable polymer and at least one type of filler particles, wherein the sheet or film is stretched during processing so as to result in cavitation comprising tiny cavities in the vicinity of the filler particles.

14. (Twice Amended) An article of manufacture as defined in claim 13, wherein at least a portion of the soft thermoplastic biodegradable polymer comprises thermoplastic starch that [consists essentially of thermoplastic starch that] is free of plasticizers.

16. (Twice Amended) [An article of manufacture consisting essentially of a] A sheet or film formed [from] by extruding, blowing or casting a biodegradable thermoplastic composition that comprises at least one hydrophobic thermoplastic biodegradable polymer, wherein the sheet or film is water-resistant and has been textured so as to have dead-fold of at least about 70%.

17. (Amended) [An article of manufacture] A sheet or film as defined in claim 16, wherein the textured sheet or film has dead-fold of at least about 80%.

18. (Twice Amended) [An article of manufacture comprising a] A sheet or film formed [from] by extruding, blowing or casting a biodegradable thermoplastic composition that comprises at least one hydrophobic thermoplastic biodegradable polymer and at least one type of filler particles included in an amount so that the sheet or film has dead-fold of at least about 70%, wherein the sheet or film is water-resistant.

19. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein the sheet or film has dead-fold of at least about 80%.

20. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein the sheet or film has dead-fold of about 100%.

21. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein the filler particles are included in an amount greater than about 10% by weight of the biodegradable thermoplastic composition.

22. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein the filler particles are included in an amount greater than about 20% by weight of the biodegradable thermoplastic composition.

23. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein the filler particles are included in an amount greater than about 30% by weight of the biodegradable thermoplastic composition.

29. (Amended) [An article of manufacture] A sheet or film as defined in claim 16, wherein the biodegradable thermoplastic composition comprises at least one stiff thermoplastic biodegradable polymer and at least one soft synthetic thermoplastic biodegradable polymer.

30. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein the biodegradable thermoplastic composition comprises at least one stiff synthetic hydrophobic thermoplastic biodegradable polymer and at least one soft synthetic thermoplastic biodegradable polymer.

31. (Amended) [An article of manufacture] A sheet or film as defined in claim 18, wherein at least a portion of the filler particles protrude from a surface of the sheet or film.

32. (Amended) An article of manufacture comprising a sheet or film formed [from] by extruding, blowing or casting a biodegradable thermoplastic composition that [includes] comprises at least one thermoplastic biodegradable polymer and at least one type of filler particles, wherein at least a portion of the filler particles protrude from a surface of the sheet or film.

36. (Amended) An article of manufacture comprising a sheet or film formed [from] by extruding, blowing or casting a biodegradable thermoplastic composition that consists essentially of at least one synthetic thermoplastic biodegradable polymer and at least one type of filler particles included in an amount so that the sheet or film has dead-fold of at least about 70%.